

## Report to Civic Works Committee

**To:** Chair and Members  
Civic Works Committee  
**From:** Scott Mathers, MPA, P. Eng.  
Deputy City Manager, Planning and Economic Development  
**Subject:** Yard and Lot Maintenance By-law  
**Date:** August 15, 2023

## Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, and the Deputy City Manager, Legal Services:

- (a) This report **BE RECEIVED** for information purposes.

## Executive Summary

The municipal purpose of the Yard and Lot Maintenance By-law is to address public nuisances such as refuse and debris including the spread of vermin. The By-law includes a long standing provision recognizing wildflower meadows, naturalized areas and perennial gardens and as such includes exemptions to allow property owners to establish natural gardens in keeping with public safety measures. A Council Policy housekeeping amendment recognizing the long standing practice regarding natural areas was amended in July 2023.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan areas of focus:

- Wellbeing and Safety
- Well Run City

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

- CSC – July 2023 – Council Policy Manual Review

### 2.0 Discussion and Considerations

#### 2.1 What is the jurisdiction of the Yard and Lot Maintenance By-law?

The Yard and Lot Maintenance By-law – PW – 9 (the By-law) is enacted pursuant to the *Police Services Act*, R.S.O. 1990, c P.15 (“*Police Services Act*”) and the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”).

Section 15 of the *Police Services Act* authorizes the municipality to appoint persons to enforce the by-laws of a municipality and states that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws.

Section 10(2) of the Act provides that a municipality may pass by-laws for purposes related to the health, safety and well-being of the inhabitants of the municipality. Section 128 of the Act further provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances. The By-law states that it is the opinion of Council

that the failure to clear refuse and debris from land is a public nuisance, including the spread of vermin.

Section 127 of the Act also provides that a municipality may require the owner or occupant of land to clear, refuse or debris from land. The municipality may direct that in default of clearing land of refuse by the person directed to do it, the clearing of land shall be done at the person's expense, pursuant to section 427(2) of the Act.

Section 391 of the Act permits the municipality to impose fees and charges on any person for services or activities provided or done by or on behalf of it. Section 427(3) of the Act expressly provides that a municipality may recover the costs of clearing the land and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

## **2.2 How is the By-law enforced?**

The By-law is predominantly enforced in response to citizen complaints regarding the quality of life and aesthetics of neighbourhoods. Many citizens complain that the upkeep of neighbouring properties negatively impacts the value of their property as well as their enjoyment of their property. The By-law is also proactively enforced in certain neighbourhoods, such as in near-campus communities as these areas have a large volume of rental properties which are not well maintained. This proactive initiative has been in place since the mid 1990's and is recognized in the Municipal Compliance Policy approved by Council in June 2023.

In terms of occurrence volumes, in 2022, a total of 3,682 by-law complaints were investigated under this By-law. This represents 34% of all complaints received and investigated. In 2023, a total of 2,651 complaints have been received year-to-date; this By-law is by far the most active in terms of Officer workload and community concern.

When a complaint is received, a site visit is initiated, and based on the discretion of the Officer, a notice or Order is issued. Notification is provided via mail, including a link to the City of London web page to provide further information on the By-law. Notification may be supplemented using door hangers. Based on the discretion of the Officer, if no action is taken by the property owner to ensure by-law compliance, municipal action is taken to achieve compliance. This may include the removal of long grass and weeds.

## **2.3 How does the By-law address naturalized areas?**

Over the past several decades there has been a growing interest in rewilding or naturalizing residential properties by planting native grasses, flowers, and pollinator-friendly plants. This By-law was amended in consultation with City Landscape Architects to recognize this trend. Sections 4.6 and 4.7 of the By-law exempts wildflower meadows, perennial gardens and naturalized areas provided that those areas are managed in accordance with the *Weed Control Act*, provided that there is no waste, and provided that they do not encroach within the buffer strip. The intent of the buffer strip is to ensure that there is no spread of weeds and plantings onto neighbouring properties and also to ensure the safety of the public in terms of sight lines of the travelling public (persons in vehicles, children on sidewalks).

If a property owner, in response to a complaint, indicates that they are in the process of naturalizing the property, the owner may be asked to provide a landscaping plan seeking an exemption from the By-law. The Officer may consult with subject area experts (City Ecologist Planner) and partner agencies such as the Ministry of Agriculture, Food and Rural Affairs (*Weed Control Act*) to seek additional information regarding noxious weeds related to the exemption request. If the provisions of the By-law are met and there are no safety matters identified, such as sight lines, no enforcement action is taken. If upon inspection, it is clear that a naturalized area is well established and well maintained, the occurrence is coded as invalid and is closed. Very

few complaints are received where a landscaping plan is required for submission to resolve a complaint.

The Council policy on Naturalized Areas and Wild Flower Meadows was approved on July 25, 2023. This housekeeping amendment was an update of the long standing practice recognizing natural areas. On an annual basis, very few if any natural area requests are received as maintained natural yards are not the subject of neighbourhood complaints.

## **Conclusion**

The municipal purpose of the Yard and Lot Maintenance By-law is to address public nuisances such as refuse and debris including the spread of vermin. As emerging issues occur, Council's By-laws are reviewed to determine if amendments are necessary. The By-law includes a long standing provision recognizing wildflower meadows, naturalized areas and perennial gardens and as such includes exemptions to allow property owners to establish natural gardens in keeping with public safety measures. The Yard and lot Maintenance By-law was most recently reviewed in October 2020. A Council Policy housekeeping amendment recognizing the long standing practice recognizing natural areas was amended in July 2023.

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**Concurred by:** **Barry Card**  
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